

1906-07 Chancery Causes: Eliya J. Bailey vs. Ed Bailey &
Lee Co.

Creech, Lanningham, Thomas

1 Plat

CA-Contract Dispute
T-Property

To the Hon. H.A.W. Skeen, Judge of the Circuit Court of Lee County, Virginia:

Humbly complaining, your complainant, ~~Eliza~~ J. Bailey, would respectfully represent and show unto your Honor, that she on the day of 18 bought from one A.J. Bailey, a tract of land containing 34 1/2 acres, situated in the Crab Orchard, Lee County, Virginia, a survey of the same and plat is here filed, and asked to be treated as part of this bill, that said A.J. Bailey executed and delivered to your complainant a good and sufficient deed to said land. That your complainant also on the day of , 18 bought from one Wm. Thomas, another tract of land containing 25 1/2 acres, which is fully described by survey and plat filed herewith, marked "A", "B", and "C", said Wm. Thomas executed and delivered to your complainant a deed to said tract of land, your complainant alleges, that her said deeds ^{were} never admitted to record, and that on the day of , 1905, her dwelling house caught afire and burned to the ground, with all its contents, including your complainant's two deeds aforesaid.

Your complainant alleges that A.J. Bailey is now dead, leaving Becca Jane Creech, Martha ~~Bailey~~, Allie ~~Bailey~~, Paralee Lanningham and John ~~Bailey~~, dec., who left Ed Bailey, Gertrude Bailey, Myrtle ~~Bailey~~, his children and grand-children, his heirs at law. That Wm. Thomas is now dead, leaving Alpha Thomas, widow, John Thomas, Zion Thomas, Martha A. Thomas, Irvin Thomas, Pearly Thomas, Wm. Thomas and Maggie Thomas, his children and heirs at law; that the last seven are infants, that Ed Bailey, Gertrude Bailey, Myrtle Bailey, Becca Jane Creech are not residents of the State of Virginia. The object of this bill is to have said deeds supplied, that have been ~~destroyed~~, and your complainant being remediless, save by the aid of a court of Equity, he prays that Ed Bailey, Gertrude ~~Bailey~~, Myrtle Bailey, Becca Jane Creech, Martha Bailey, Allie Bailey, Paralee Lanningham, Alpha Thomas, John Thomas, Zion Thomas, Martha A. Thomas, Irvin Thomas, Pearly Thomas, Wm. Thomas, Adams Thomas, Rosa Thomas, Fanny Thomas, Maggie Thomas, the last seven being infants, be made parties defendant to this bill and answer the same

but not on oath, that being waived; that a guardian ad litem be appointed to defend for the infants; that order of publication be posted and published against the non-resident defendants ; that a commissiner be appointed to execute and deliver to your complainant a deed according to survey and plat herewith filed, which shall be in lieu of those distroyed, and be a muniment of title.

And your complainant prays for all other relief generally, that the nature of her case may require, or to equity seem meet, and she will ever pray &c.

M.G.Ely,

p.q. *myl*

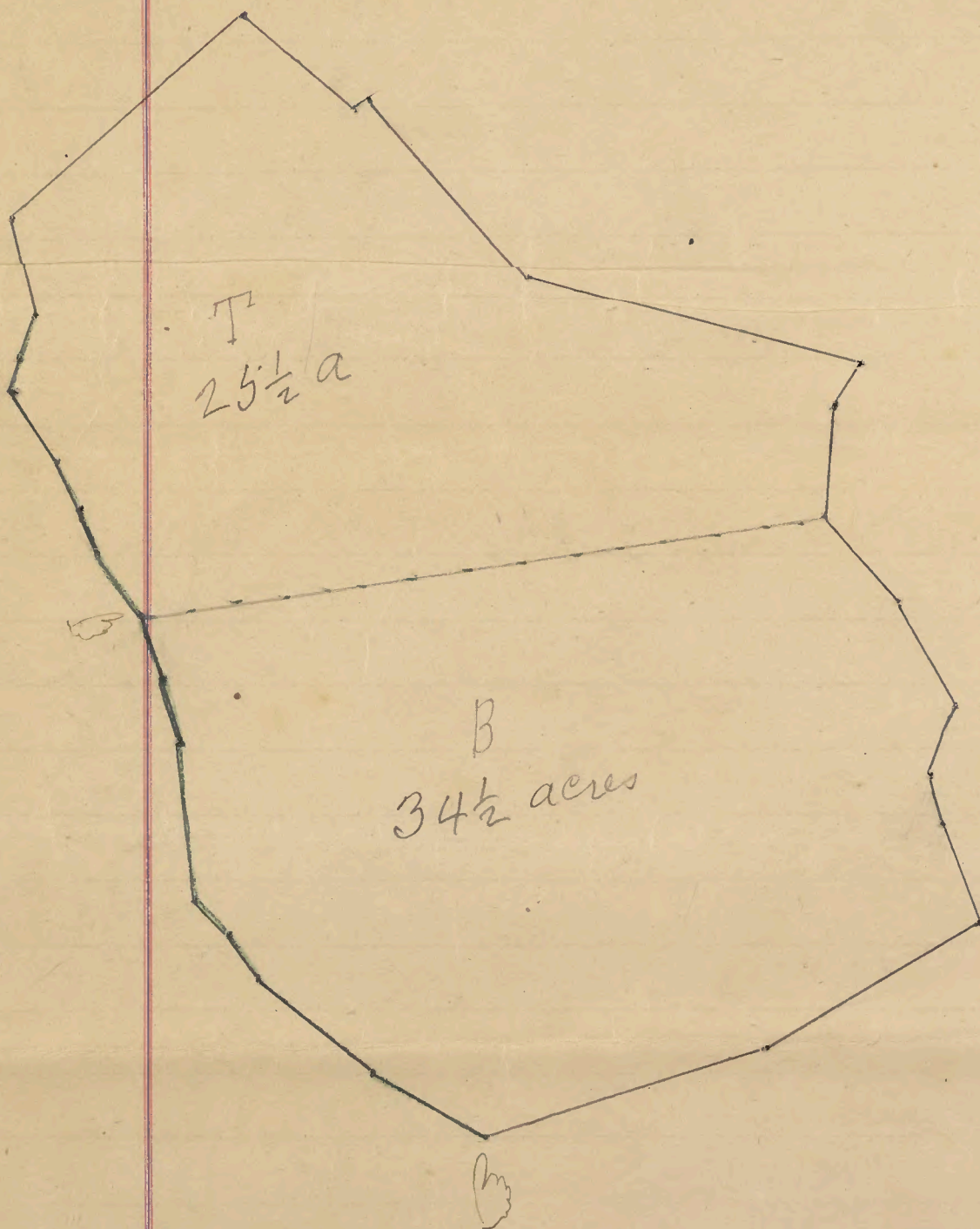
Courses of the S. J. Bailey tract

Beginning at a black walnut on a hill side corner to the Cooney tract of land and also a corner to J. L. Pennington land thence with ~~x~~ lines of the latter N. $58\frac{1}{2}^{\circ}$ W. 16 $\frac{1}{2}$ poles to a Chestnut, N. 48° W. 18 poles to a Chestnut and rock thence with the Green Pennington land (now owned by J. L. Pennington and W. M. Bailey) and along the top of a ridge as it meanders, N. $37\frac{1}{2}^{\circ}$ W. 8 poles to a stake, N. $43\frac{1}{2}^{\circ}$ W. 6 poles to a stake, N. $4\frac{1}{2}^{\circ}$ W. 20 poles to a stake, N. 12° W. 8 poles to a stake, N. 15° W. 7 poles to a stake a corner to the William Thomas tract now owned by Jane Bailey and with a line of same N. 82° E. 83 poles to a stake and oak on top of a ridge and on William Stewarts line and with Stewarts line and with the top of said ridge as it meanders S. $40\frac{1}{2}^{\circ}$ E. 14 poles to a stake at a Chestnut, S. $27\frac{1}{2}^{\circ}$ E. 14 poles and 8 links to a stake, S. $18\frac{1}{2}^{\circ}$ W. 9 poles to a stake, S. 13° E. 6 poles to a stake, S. 22° E. 12 poles and 21 links to a Chestnut corner to the Cooney tract of land and with lines of the same S. 60° W. 31 poles to a stake, S. 76° W. 36 poles to the beginning. Containing $34\frac{1}{2}$ acres (more or less)

Course of the Thomas land
Beginning at a stake on top of a
ridge on J. L. Pennington's line and
also corner to James Bailey's, A. J. Bailey
tract of land and with the Pennington
line and with the top of said ridge
as it meanders N. $34\frac{1}{2}$ W. 9 poles to a
grum N. 16 W. 6 poles to a grum N. 24 W.
6 poles to a grum N. 27 W. 10 poles to
two white oaks. N. 13 E. $3\frac{1}{2}$ poles to a
white oak and grum N. $21\frac{1}{2}$ E. 5 poles to a
stake thence ~~N. $9\frac{1}{2}$ W. 13~~ poles to a
large Chestnut, corner to J. S. Anderson's
land and with lines of same N. $49\frac{1}{2}$ E. 39
poles to a rock near a branch thence down
the branch ~~S. $48\frac{1}{2}$ E. 19~~ S. $48\frac{1}{2}$ E. $19\frac{1}{2}$ poles
X to a rock. N. $50\frac{1}{2}$ E. 1 pole and 7 links to a
small grum a corner to the Martin H.
Witt tract of land and with lines of
the same S. $41\frac{1}{2}$ E. $28\frac{1}{2}$ poles to a rock
S. $73\frac{1}{2}$ E. 41 poles to a dogwood and
sourwood on top of a ridge ^{and with same}
William Stewart's line and with the
top of said ridge as it meanders
S. $27\frac{1}{2}$ W. 6 poles to a stake S. $6\frac{1}{2}$ W. 14
poles to a stake and oak corner to the
said A. J. Bailey tract of land and with

a line of same S 82° W. 83 poles to the
beginning containing 25½ acres
more or less

A. B. C.



1 Entry -

Eliza J. Bailey.
vs. Bill in chancery -
Ed. Bailey et al.

1906 1st Nov. Rules

Bill filed Sp
executed as to home
adult debts. + D. N.
as to them cont'd for
O. P.

" 2nd Nov. Rules

D. N. confirmed
as to adult home
defendants O. P.
completed & cause
set for hearing.

Costs:

Clerk	5.58 Paid
Atty.	15.00 Paid
Shiff.	3.00 -
Tax	1.50 Pd.
Gal. L.	5.00 P. to m. & c.
Printer	6.00 P. to m. & c.
	<u>\$36.08</u>

In the Circuit Court for the County of Lee,
to-wit:

THE ANSWER OF Irvin Thomas, Percy Thomas, Wm Thomas,
Adams Thomas, Rosa Thomas, Fanny Thomas, Ed Maggie
Thomas,

infants under the age of twenty-one years, by ~~James H. Bales~~ C. C. Bales-
guardian ad litem, assigned to defend them in this suit, to a bill of complaint exhibited against
them and others in the Circuit Court for the County of
Lee, by Eliza J. Bailey and others.

The respondent, reserving to ~~themselves~~ the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian ad litem, say that they are infants of
tender years, and by reason of such disability are incapable of understanding, or of
taking care of their rights and interests, They therefore commend the same
to the protection of the court, and prays that no decree may be pronounced which will tend
to their prejudice.

And having answered, the respondent pray to be hence dismissed with their
reasonable costs, in this behalf expended; and They will ever pray, &c.

Charles C. Bales Guardian ad litem.

p. d.

County of }
Lee } ss.

This day, ~~James H. Bales~~ Charles C. Bales, whose name is signed to
the foregoing answer, personally appeared before me, M. Y. Ely, Commissioner,
and made oath that the statements made therein, so far as they depend upon his own knowl-
edge, are true, and so far as they depend upon knowledge derived from others he believes them
to be true.

Given under my hand, this 10th day of Dec. 1906

M. Y. Ely, Commissioner

Ed. Bailey and others

adv. }

ANSWER
OF
INFANT DEFENDANT.

Elisa J. Bailey -

Filed in open Court
& by leave there of Dec. 10
1966 A. C. T. Ewing.
Clerk.

A. C. T. fee - \$5.00

Eliza J. Bailey Plaintiff
vs. In Chancery —
Ed- Bailey Ed athers, Defendants.

This cause came on this day to be heard upon the bill of Plaintiff, process duly executed on the home adult defendants, order of Publication duly posted and published against non-vident defendants, answer of infant defendants by ^{duly sworn to} C. C. Bates their Guardian ad. Litem and general replication thereto, and was argued by counsel:—

On consideration of which—the defendants failing to appear, answer—plead and demur—the bill is taken for confessed, and it appearing to the Court that the plaintiffs deeds described in said were destroyed by fire before recordation it is therefore adjudged ordered and decreed—that M. G. Ely who is appointed a special commissioner for the purpose, will make and execute to the plaintiff Eliza J. Bailey a deed with covenants of special warranty, to the lands described in said bill bought from A. J. Bailey and Wm Thomas—which deed shall be in lieu of said deeds destroyed as aforesaid—which deed shall be a muniment of title and pass from A. J. Bailey and heirs at law, and Wm Thomas and heirs at law—all their right, title and interest in said two tracts of land described in said bill and exhibits therewith, and said deed having made and filed in this cause is approved.

and confirmed, and the plaintiff may
withdraw said deed for recordation, by paying
said commissioner five dollars for executing the
same, and it is further decreed that the plaintiff
pay the costs of this suit, to be taxed by the
Clerk for which execution may issue in favor
of the officers of the Court, and this decree shall
also be recorded along with said deed and
nothing further remaining to be done this
cause is stricken from the docket.

Eliza J. Bailey
vs. $\frac{1}{2}$ Deere & Sons
Ed. Bailey & Sons

Entered in C.B.
8, page 233 re.

Recorded in deed
Book 46; page 225
Examined Jan. 18/907
Indexed

Enter this

Hawshorn

Dec. 11th - 1906 -

In the Clerk's Office of the Circuit Court of the county of Lee, on the 3rd
day of October, 1906.

against Eliza J. Bailey, Plaintiff, In Chancery,
Ed Bailey, et al, Defendant^s

The object of this suit is to set up and supply deeds that
have been destroyed by fire before recordation,

And an affidavit having been made and filed that the defendant, Ed Bailey, Martha Bailey,
Gertrude Bailey, Myrtle Bailey & Rebecca Jane Lorch
are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the Jonesville
Star and that a copy be posted at the front door of the Courthouse of this county as prescribed
by law.

A copy—Teste:

p. q.

H. C. J. Ewing, Clerk.
By M. E. Hanaty, D.C.

Eliza J. Bailey

vs.

}

ORDER OF
PUBLICATION

Ed Bailey, et al,

Virginia, Lee County, to-wit:
I, H.C.T. Ewing, County Clerk
for the County aforesaid, in
the State of Virginia, do cer-
tify that I posted a true
copy of the within order
of publication at the front
door of the Court-house
of Lee County on this
day.

Given under my hand,
This Oct. 3, 1906,
H.C.T. Ewing, Clerk.

In the Clerk's Office of the Circuit Court of the County
Lee

Eliza J. Bailey,
Plaintiff

against

Ed Bailey, et al.
Defendant s

This day Ms. Ely personally appeared
before me Ms. Hanary, Deputy for H. C. J. Ewing, Clerk of the said Court,
and being duly sworn, made oath that Ed Bailey, Gertrude Bailey,
Myrtle Bailey, Rebecca Jane Leuch & Martha Bailey,
defendant s in the said suit ^{are} not residents of the State of Virginia,

Given under my hand as Clerk of the said Court, this 28th day of Sept. 1906,

Ms. Hanary, Deputy for
H. C. J. Ewing, Clerk.

Eliza J. Bailey

VS

{ AFFIDAVIT FOR ORDER
OF
PUBLICATION

Ed. Bailey, et al,

M. G. Ely

p. q.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Ed Bailey, Gertrude Bailey, Myrtle Bailey,
Rebecca Jane Creech, Martha Bailey, Allie Bailey, Paralee Lanning-
ham, Alpha Thomas, John Thomas, Zion Thomas, Martha A. Thomas, Ir-
vin Thomas, Pearly Thomas, Wm. Thomas, Adams Thomas, Rosa Thomas,
Fanny Thomas, Maggie Thomas, The last seven being infants,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the 1st Monday in November, 1906, to answer a bill in chancery exhibited against them by
Eliza J. Bailey.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 4th
day of October, 1906, and 131 year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Eliza J. Bailey

VS

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SUBPENA
IN
CHANCERY.

Ed Bailey, et al,

M. G. Ely,

p. q

To

1st Morr

Rules.

Lee Circuit

Court.

1906

Shiff 3

Executed on the 18th day of October, 1906, by delivering true copies of the within summons to, Paralee Laningham, Allie Bailey and John Thomas, and further executed by delivering a true copy of the same to _____ Thomas, wife of Zion Thomas, at their usual place of abode, and explaining to her the purport of the same, he the said Zion Thomas not being found at his place of abode, and she, his said wife being a person over 16 years of age; and further executed on the same day by delivering true copies of the within summons to ~~xx~~ John Thomas for Alpha Thomas and Martha Thomas, they, the said Alpha and Martha not being found at their usual place of abode; he the said John Thomas being a member of the family of said Alpha Thomas and Martha Thomas, over 16 years of age, and explaining to him the purport of said summons, and he at the time being at the usual place of abode of the said Alpha and Martha Thomas.

J. L. Hughes D.S.

For P.M. Ball, S.L.C.

Order of Publication.

In the Clerk's Office of the Circuit Court
of the county of Lee, on the 3rd
day of October, 1906.

ELIZA J. BAILEY, Plaintiff,
against

ED BAILEY, et als, Defendants,
In chancery.

The object of this suit is to set up and supply deeds that have been destroyed by fire, before recordation. And an affidavit having been made and filed that the defendants, Ed Bailey, Martha Bailey, Gertrude Bailey, Myrtle Bailey and Rebecca Jane Creech are not residents of the State of Virginia, it is ordered that they do appear here within fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star and that a copy be posted at the front door of the Courthouse of this county as prescribed by law.

A copy—Teste:

H. C. T. EWING, Clerk.

By M. E. FLANARY, D. C.

M. G. ELY, p. q.

Edyia J Bailey

vs

{ in clumy
Ed Bailey et do



I, J. C. Boutwell, editor

of The Jonesville Star, a weekly newspaper
published in the county of Lee, state of Virginia,
do hereby certify that the enclosed notice was
published in said paper once a week for four
successive weeks, commencing on the 4th
day of Oct 1906

J. C. Boutwell, Editor.

FEE \$ 6.00